Regular list
Item No. 2

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU

LPASW No.141/2017, MP NO.01/2017

Date of order: 14.08.2017

State through GAD and Ors.
v.
Ghulam Rasool

Coram:

Hon'ble Mr. Justice Alok Aradhe, Judge
Hon'ble Mr. Justice Sanjeev Kumar, Judge

Appearing counsel:

For the Appellant/petitioner(s) : Mr. W S Nargal, Sr. AAG
For the Respondent(s) : Mr. Sudershan Sharma, Advocate
Mr. Shamas Ud Din, Advocate.

i/	Whether to be reported in Press/Media	:	Yes/No
ii/	Whether to be reported in Digest/Journal	:	Yes/No

Appeal is admitted for hearing.

With consent of the parties, the matter is heard finally. In this intra court appeal, the appellants have assailed the validity of the order dated 01.04.2016 by which the writ petition preferred by the respondent has been allowed and the appellants have been directed to give appointment to the petitioner by providing relaxation in the matter of qualification as well as age.

2. When the matter was taken up today, learned Senior Additional Advocate General fairly submitted that the respondent had submitted an application when the policy for appointment in question was in vogue. It i further submitted that no positive

direction could have been issued by the learned Single Judge for appointment of respondent under the policy and at the most, learned Single Judge could have directed the appellants to consider the case of the respondent in terms of the policy.

3. On the other hand, learned counsel for the respondent submitted that during the pendency of the Letters Patent Appeal, by an order dated 29.07.2017, the respondent has already been found to be qualified for the appointment to the post in question and has been appointed on 29.07.2017 subject to the outcome of the Letters Patent Appeal.

4. In view of the aforesaid submission and the facts of the case, we are inclined to modify the order passed by the learned Single Judge and to direct the competent authority to consider the case of appointment under the policy in question bearing in mind the order dated 29.07.2017. Let the aforesaid exercise be completed by a speaking order within a period of two months from today. To the aforesaid extent, the order passed by the learned Single Judge is modified. Accordingly, the LPA is disposed of.

5. Let a copy of this order be supplied to the learned counsel for the parties under the seal and signatures of the Bench Secretary of this Court.

(Sanjeev Kumar)
Judge

(Alok Aradhe)
Judge

Jammu
14.08.2017
Raj Kumar